

REMARKS

Applicants respectfully request consideration of the subject application as amended herein. This Amendment is submitted in response to the Final Office Action mailed on November 28, 2003. Claims 1-32 are rejected. In this Amendment, claims 1, 11, 23-27 and 30 have been amended. No new matter has been added.

CLAIM REJECTIONS UNDER 35 U.S.C. §112

The Examiner rejected claims 1-32 under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The claims have been amended to remove the inconsistencies pointed out by the Examiner. Therefore, Applicants respectfully request the withdrawal of the rejections under 35 U.S.C. §112, second paragraph.

CLAIM REJECTIONS UNDER 35 U.S.C. §102

Claims 30-32 were rejected under 35 U.S.C. §102(b) as being anticipated by Bertsch (U.S. Patent No. 5,938,757, hereinafter “Bertsch”).

Bertsch describes an appliance control system in which a universal interface is provided for consumer appliances. The interface includes multiple interface units, with each interface unit being interposed between a corresponding appliance and the communications medium. The interface units monitor the transmission conditions and appliance performance and attempt to correct problems detected in the transmission conditions and appliance performance. Thus, in Bertsch, data indicative of a fault in an appliance is received by a corresponding interface unit and the diagnosis of the fault is performed by the corresponding interface unit.

In the presently claimed invention, in contrast, data indicative of a fault in a consumer electronic device is received by some other consumer electronic device, which then locally diagnoses the fault. Accordingly, Bertsch does not teach or suggest at least the features of the present invention that are included in the following language of claim 30:

... each consumer electronic device of the plurality of home consumer electronic devices comprises functionality to receive data indicative of a fault in at least one other home consumer electronic device within the plurality of home consumer electronic devices, and to locally diagnose the fault in the at least one other home consumer electronic device within the plurality of home consumer electronic devices.

Thus, claim 30 and its corresponding dependent claims 31-32 are patentable over Bertsch.

Applicants, therefore, respectfully request the withdrawal of the rejections under 35 U.S.C. §102 (b) and submit that all pending claims are in condition for allowance; which action is earnestly solicited.

Deposit Account Authorization

Authorization is hereby given to charge our Deposit Account No. 02-2666 for any charges that may be due. Furthermore, if an extension is required, then Applicant hereby requests such extension.

If the Examiner determines the prompt allowance of these claims could be facilitated by a telephone conference, the Examiner is invited to contact Marina Portnova at (408) 720-8300.

Respectfully submitted,

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